



Used in Lieu of PTO/SB/08A/B
(Based on PTO 12-07 version)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/771,803
				Filing Date	February 4, 2004
				First Named Inventor	Lutz Freitag
				Art Unit	3771
				Examiner Name	T.K. Mitchell
Sheet	1	of	4	Attorney Docket Number	023189.0101PTUS

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/SD/		US-4,231,365	11/4/1980	Scarberry	
		US-4,449,523	5/22/1984	Szachowicz et al.	
		US-4,825,859	05-02-1989	Lambert, R.	
		US-4,838,255	06-13-1989	Lambert, R.	
		US-4,850,350	07-25-1989	Jackson, I.	
		US-4,905,688	3/6/1990	Vicenzi et al.	
		US-4,938,212	7/3/1990	Snook, et al.	
		US-4,967,743	11-06-1990	Lambert, R.	
		US-5,000,175	03/19/1991	Pue	
		US-5,022,394	6/11/1991	Chmielinski	
		US-5,024,219	6/18/1991	Dietz	
		US-5,038,771	8/13/1991	Dietz	
		US-5,058,580	10/22/1991	Hazard	
		US-5,134,995	8/4/1992	Gruenke et al.	
		US-5,134,996	08/04/1992	Bell	
		US-5,148,802	9/22/1992	Sanders et al.	
		US-5,186,167	02-16-1993	Kolobow, T.	
		US-5,193,533	03-16-1993	Body, et al.	
		US-5,233,979	8/10/1993	Strickland	
		US-5,243,972	9/14/1993	Huang	
		US-5,255,675	10-26-1993	Kolobow, T.	
		US-5,271,388	12/21/1993	Whitwam et al.	
		US-5,339,809	8/23/1994	Beck, Jr. et al.	
		US-5,419,314	5/30/1995	Christopher, K.	
		US-5,438,980	8/8/1995	Phillips	
		US-5,460,613	10-24-1995	Ulrich, et al.	
		US-5,485,850	1/23/1996	Dietz	
		US-5,513,628	05-07-1996	Cole, s et al.	
		US-5,598,840	02-04-1997	Iund, et al.	
		US-5,669,380	9/23/1997	Garry et al.	
		US-5,715,812	2/10/1998	Deighan et al.	
		US-5,715,815	2/10/1998	Lorenzen et al.	
		US-5,740,796	4/21/1998	Skog	
		US-5,791,337	08/11/1998	Coles, et al.	
		US-5,819,723	10/13/1998	Joseph	
		US-5,904,648	05/18/1999	Arndt, et al.	
		US-5,975,077	11/2/1999	Hofstetter et al.	
		US-6,039,696	3/21/2000	Bell, Craig J.	
		US-6,152,132	11/28/2000	Psaros	
		US-6,220,244	4/24/2001	McLaughlin	
		US-6,227,200	05-08-2001	Crump, et al.	
		US-6,357,438	3/19/2002	Hansen	
		US-6,427,690	8/6/2002	McCombs et al.	
		US-6,457,472	10/1/2002	Schwartz et al.	
		US-6,520,176	2/18/2003	Dubois et al.	
/SD/		US-6,520,183	12/12/2002	Amar, D.	

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/771,803
				Filing Date	February 4, 2004
				First Named Inventor	Lutz Freitag
				Art Unit	3771
				Examiner Name	T.K. Mitchell
Sheet	2	of	4	Attorney Docket Number	023189.0101PTUS

/SD/	US-6,575,944	06/10/2003	McNary, et al.	
	US-6,655,382	12/2/2003	Kolobow	
	US-6,668,829	02/27/2003	Biondi et al.	
	US-6,705,314	3/16/2004	O'Dea	
	US-6,810,876	05/01/2003	Berthon-Jones	
	US-6,814,073	11/9/2004	Wickham	
	US-6,840,240	1/11/2005	Berthon-Jones et al.	
	US-6,877,511	4/12/2005	DeVries et al.	
	US-6,910,480	6/28/2005	Berthon-Jones	
	US-6,910,482	8/14/2003	Bliss et al.	
	US-6,913,601	9/20/2001	St. Goar et al.	
	US-6,915,803	1/13/2005	Berthon-Jones et al.	
	US-6,920,878	12/11/2003	Sinderby et al.	
	US-6,932,084	07/03/2003	Estes et al.	
	US-6,941,950	4/17/2003	Wilson et al.	
	US-6,948,497	8/7/2003	Zdrojkowski et al.	
	US-6,951,217	8/21/2003	Berthon-Jones	
	US-6,997,881	6/30/2005	Green et al.	
	US-7,000,612	4/28/2005	Jafari et al.	
	US-7,011,091	4/10/2003	Hill et al.	
	US-7,017,574	3/10/2005	Biondi et al.	
	US-7,044,129	9/03/2003	Truschel et al.	
	US-7,066,173	8/3/2003	Banner et al.	
	US-7,077,132	1/8/2004	Berthon-Jones	
	US-7,080,646	2/26/2004	Wiesmann et al.	
	US-7,100,607	10/13/2005	Zdrojkowski et al.	
	US-7,121,277	6/27/2002	Ström	
	US-7,152,598	12/23/2004	Morris et al.	
	US-7,222,623	6/2/2005	DeVries et al.	
	US-7,255,103	11/25/2004	Bassin	
	US-7,267,122	11/11/2004	Hill	
	US-7,270,128	2/16/2006	Berthon-Jones et al.	
	US-7,296,573	11/10/2005	Estes et al.	
	2001/0035185	11/01/2001	Christopher, K.	
	2002/0179090	12/05/2002	Boussignac, A.	
	2003/0121519	7/3/2003	Estes et al.	
	2003/0145853	8/7/2003	Muellner	
	2003/0150455	8/14/2003	Bliss et al.	
	2004/0040560	3/4/2004	Euliano et al.	
	2004/0221848	11/11/2004	Hill	
	2004/0231674	11/25/2004	Tanaka	
	2004/0237963	12/2/2004	Berthon-Jones	
	2005/0247308	11/10/2005	Frye, et al.	
	2004/0255943	12/23/2004	Morris et al.	
	2005/0005936	1/13/2005	Wondka	
	2005/0005938	1/13/2005	Berthon-Jones et al.	
	2005/0034721	2/17/2005	Freitag	
	2005/0034724	2/17/2005	O'Dea	
	2005/0061322	3/24/2005	Freitag	
/SD/	2005/0087190	4/28/2005	Jafari et al.	

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/771,803
				Filing Date	February 4, 2004
				First Named Inventor	Lutz Freitag
				Art Unit	3771
				Examiner Name	T.K. Mitchell
Sheet	3	of	4	Attorney Docket Number	023189.0101PTUS

/SD/		2005/0098179	5/12/2005	Burton et al.	
		2005/0121033	6/9/2005	Starr et al.	
		2006/0005834	1/12/2006	Aylsworth et al.	
		2006/0096596	5/11/2006	Occhialini et al.	
		2006/0150972	7/13/2006	Mizuta et al.	
		2006/0201504	9/14/2006	Singhal et al.	
		2006/0243278	11/2/2006	Hamilton et al.	
		60/924,514 (co-pending)	5/18/2007	Wondka et al.	
		60/960,370 (co-pending)	9/26/2007	Wondka et al.	
/SD/		60/960,362 (co-pending)	9/26/2007	Wondka et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
/SD/		WO-07/142812 (co-pending)	12/13/2007	Freitag		
		CA-2535450 (co-pending)	2/17/2005	Freitag		
		CN-200480029872 (co-pending)	11/22/06	Freitag		X
		DE-10337138.9 (co-pending)	3/17/05	Freitag		X
		EP 0125424	11/21/1984	van den Bergh		
		EP-1654023 (co-pending)	5/10/2006	Freitag		X
		IN-317/KOLNP/06 (co-pending)	3/9/07	Freitag		X
/SD/		JP-2006/522883 (co-pending)	2/1/07	Freitag		X

Examiner Signature	/Steven Douglas/	Date Considered	11/23/2008
--------------------	------------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
/SD/		International Search Report for WO 2005/014091 (Application no. PCT/DE04/1646), dated January 17, 2005	
/SD/		Christopher, et al., "Transtacheal Oxygen Therapy for Refractory Hypoxemia," JAMA, 1986, Vol. 256, No. 4, pp. 494-97.	
/SD/		Fink, J.B., "Helium-Oxygen: An Old Therapy Creates New Interest," J Respr Care Pract now RT for Decision Makers in Respiratory Care, April 1999, pp. 71-76.	

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/771,803		
		Filing Date	February 4, 2004		
		First Named Inventor	Lutz Freitag		
		Art Unit	3771		
		Examiner Name	T.K. Mitchell		
Sheet	4	of	4	Attorney Docket Number	023189.0101PTUS

/SD/		Haenel, et al., "Efficacy of Selective Intrabronchial Air Insufflation in Acute Lobar Colapse," <u>Am J Surg</u> , 1992, Vol. 164, No. 5, pp. 501-05.	
		"AARC Clinical Practice Guideline: Oxygen Therapy in the Home or Extended Care Facility," <u>Respir Care</u> , 1992, Vol. 37, No. 8, pp. 918-22.	
		MacIntyre, N. R., "Long-Term Oxygen Therapy: Conference Summary," <u>Resp Care</u> , 2000, Vol. 45, No. 2, pp. 237-45.	
		VHA/DOD Clinical Practice Guideline, "Management of Chronic Obstructive Pulmonary Disease," Ver. 1.1a, Aug. 1999, Updated Nov. 1999	
		Blanch, L. L., "Clinical Studies of Tracheal Gas Insufflation," <u>Respir Care</u> , 2001, Vol. 45, No. 2, pp. 158-66.	
		GREGORETTI, et al., "Transtracheal Open Ventilation in Acute Respiratory Failure Secondary to Severe Chronic Obstructive Pulmonary Disease Exacerbation," <u>Am J Respir Crit Care Med</u> , 2006, Vol. 173, No. 8, pp. 877-81.	
		CHRISTOPHER, et al., "Preliminary Observations of Transtracheal Augmented Ventilation for Chronic Severe Respiratory Disease," <u>Respir Care</u> , 2001, Vol. 46, No. 1, pp. 15-25.	
		CHANG, et al., "Reduced Inspiratory Muscle endurance Following Successful Weaning From Prolonged Mechanical Ventilation," <u>Chest</u> , 2005, Vol. 128, No. 2, pp. 553-59.	
		GAUGHAN, et al., "A Comparison in a Lung Model of Low- and High-Flow Regulators for Transtracheal Jet Ventilation," <u>Anesthesiology</u> , 1992, Vol. 77, No. 1, pp. 189-99.	
		MENON, et al., "Tracheal Perforation. A Complication Associated with Transtracheal Oxygen Therapy," <u>Chest</u> , 1993, Vol. 104, No. 2, pp. 636-37.	
/SD/		ROTHE, et al., "Near Fatal Complication of Transtracheal Oxygen Therapy with the SCOOP(R) System," <u>Pneumologie</u> , 1996, Vol. 50, No. 10, pp. 700-02. (English Abstract provided)	

Examiner Signature	/Steven Douglas/	Date Considered	11/23/2008
--------------------	------------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.